

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MICHAEL MORGAN and LIBERTY RISK  
CONSULTING, LLC, and  
INFLUENCED EDGE, LLC

Civil Action No.  
2:22-cv-1631

Plaintiffs,

v.

AMY NOSS, KEITH HICKEY,  
JOYCE MORGAN, BRITTANY PADUGANAN  
And ETBP ENTERPRISES, LLC d/b/a THRIVE  
TALENT MANAGEMENT

Defendants.

**DEFENDANTS' MOTION TO PARTIALLY DISMISS PLAINTIFFS' AMENDED  
COMPLAINT PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 12(b)(6)**

Defendants Amy Noss, Keith Hickey and Joyce Morgan, by and through their counsel, Rachel McElroy, file this Motion to Partially Dismiss Plaintiffs' Amended Complaint pursuant to Federal Rule of Civil Procedure 12(B)(6).

1. On February 3, 2023, Plaintiffs' Michael Morgan, Liberty Risk Consulting LLC, and Influenced Edge LLC filed an Amended Complaint (ECF 31) against Defendants Amy Noss, Keith Hickey and Joyce Morgan (together the "Moving Defendants"), as well as against Brittany Paduganan and ETBP Enterprises, LLC D/B/A Thrive Talent Management asserting the following claims:
  - a. Count I (Misappropriation of Trade Secrets under the Defense of Trade Secrets Act) – LRC and IE v. All Defendants

- b. Count II (Misappropriation of Trade Secrets under the Pennsylvania Uniform Trade Secrets Act) – LRC and IE v. All Defendants
- c. Count III (Misappropriation of Confidential Business Information) – LRC and IE v. All Defendants
- d. Count IV (Computer Fraud and Abuse Act) – LRC and IE v. All Defendants
- e. Count V (Breach of Contract) – LRC and IE v. Defendants Noss and J. Morgan
- f. Count VI (Breach of Contract) – LRC and IE v. Defendant Hickey
- g. Counts VII (Tortious Interference with Existing Contractual Relationships) – LRC and IE v. All Defendants
- h. Count VIII (Unjust Enrichment) – LRC and IE v. All Defendants
- i. Count IX (Unfair Competition) – LRC and IE v. All Defendants
- j. Count X (Civil Conspiracy) – LRC and IE v. All Defendants
- k. Count XI (Defamation Per Se) – All Plaintiffs v. Defendant Paduganan
- l. Count XII (Defamation) – All Plaintiffs v. Defendant Paduganan
- m. Count XIII (Commercial Disparagement/Trade Libel) – All Plaintiffs v. Defendant Paduganan

2. For the reasons set forth herein, and the accompanying Brief, incorporated by reference herein, Plaintiffs have failed to state a viable claim against all of the Moving Defendants as to Counts I, II, IV, VIII, IX and X.

3. For the reasons set forth herein, and the accompanying Brief, incorporated by reference herein, IE has failed to state a viable claim against Amy Noss and Joyce Morgan as to Counts III and V.

4. For the reasons set forth herein, and the accompanying Brief, incorporated by reference herein, LRC has failed to state a viable claim against Keith Hickey for Counts III and VI.

**WHEREFORE**, the Moving Defendants respectfully request that this Court grant this Motion to Partially Dismiss Plaintiffs' Amended Complaint for all Moving Defendants as to Counts I, II, IV, VIII, IX and X, for Amy Noss and Joyce Morgan as to Counts III and V, and as to Keith Hickey for Counts III and VI, and enter an Order consistent with the proposed order.

Respectfully submitted,

/s/Rachel L. McElroy, Esq.  
Rachel L. McElroy, Esq.  
PA ID No. 321624  
McElroy Law Firm, LLC  
100 First Ave., #1010  
Pittsburgh, PA 15222  
Phone: 412-620-8735  
Email: rachel@mcelroylawfirm.com

**CERTIFICATE OF SERVICE**

I hereby certify that on this 17 day of February 2023, a copy of the foregoing documents were served upon all counsel of record via CM/ECF.

*/s/ Rachel L. McElroy*  
Rachel L. McElroy